

## IWILEI INJUNCTION MADE PERMANENT

Demurrer of Defendants  
Overruled on Each  
Point.

## JUDGE GEAR DECIDED CASE THIS MORNING

Attorneys for Defense Want to Take  
Case to Supreme Court  
on Judgment on  
Demurrer.

Upon the opening of court this morning, Judge George D. Gear rendered a decision in the Iwilei injunction case, overruling the demurrer of defendants and making the injunction permanent. The defendants were allowed five days in which to answer.

L. A. Andrews asked the Court if permission would be granted to take appeal to the Supreme Court upon the decision on the demurrer without waiting for final judgment after the answer had been filed. Decision on this point was reserved. Attorney Fitch, for plaintiffs opposed allowing appeal to be taken until final judgment had been taken.

The decision of Judge Gear took up each point laid down in the demurrer and answer and cited cases in support of his opinion that all were without foundation in the present case. The demurrer alleged that there was no nuisance house at Iwilei. The decision holds that there was, and refers to a line of cases holding that places of the character of Iwilei are nuisances and that the keeping of such a place is subject to restraint by proceedings in equity.

As to the defendants' claim that the plaintiffs had a remedy at law under section 882 of the Penal Code, and under authority shown by four New Jersey cases, the decision pointed out that the four New Jersey cases grew out of a violation of a statute making the obstruction of highways a special nuisance, remedial at law. Other New Jersey cases were cited by the Court in which the contention of the plaintiffs in the Iwilei case were upheld. Several cases were cited which hold that, merely because the person responsible for a nuisance is amenable to criminal law does not prevent injunction proceedings.

The allegation of the demurrer that a legal cause had been joined with one in equity was also clearly analysed by the Court's decision and abundant authority found for the steps and the manner of taking them, made by the plaintiffs.

The allegation that the complaint had been improperly drawn, in that the words "In Equity at Chambers" did not appear at the head of the petition, was held to be of no consequence, since the words were endorsed upon the back. It was pointed out that the authorities had held that papers requiring the signatures of lawyers, were held to be correct, even when the name was only endorsed upon the back.

The allegation of the demurrer that there was no nuisance to suppress, by injunction, was characterized by the Court as absolutely without merit and absurd. To assert that because an evil had been removed by a temporary injunction and that therefore no evil exists, against such a permanent injunction may be directed, was a species of reasoning which the Court considered unique.

The objection to the affidavit of Rev. Mr. Azbill, only shows to what lengths the defense has gone to attack the plaintiffs in the case, observed the Court. The demurrer being overruled, L. A. Andrews noted exceptions. In the Jose da Silva case Attorney Fitch asked leave of the Court to amend the petition of the widow by striking therefrom all allegations of fraud against the present administration.

tor, J. A. M. Osorio. Mr. Fitch stated that on a full investigation he was satisfied that the charge of fraud against Mr. Osorio could not be sustained; that he did not wish to be a party to any inadvertent injustice against the gentleman, and therefore desired to eliminate the accusation of fraud from the proceedings. The Court granted the motion. This leaves the case to stand upon the propositions as to whether there is or is not a widow, and whether there are or are not brothers and sisters or their descendants. If there is a widow, she is entitled to name an administrator and to take half the estate even if there are brothers or sisters or their descendants, and to take it all if there are no other kin.

Another interesting question is whether Osorio's action in selling the Punchbowl leasehold estate without an order of court will be sustained. The further hearing of the case was continued.

The application of E. A. Douthett for admission to the practice of law in the courts of the Territory of Hawaii has been filed with the clerk of the Supreme Court. The application is endorsed by J. J. Dunne, Acting United States Federal Attorney.

## SHE SUES FOR DIVORCE

Minnie Merrill has brought against her husband, Loren W. Merrill, for absolute divorce on the grounds of extreme cruelty and failure to support. She asks further that her maiden name of Minnie Eagan be restored to her. Among other charges, the plaintiff says that, while ostensibly kind and truthful, the whole treatment of herself by her husband was one mass and tissue of falsehood, fraud and deception.

Further, that under various false and fraudulent pretenses he obtained from her the whole of her earnings of \$85 per month as a school teacher in the Normal school, securing from her by this means, something like a thousand dollars.

The plaintiff also alleges that this money was appropriated to her husband's own use and that, although he made quite a neat sum of money himself, never did he use any of it for her own support but spent it for other purposes, to her unknown.

The complaint further states that the business methods and alleged dishonesty kept petitioner in such a nervous condition as to affect seriously her bodily health and strength and, that defendant absconded from the Territory of Hawaii, leaving her almost penniless, without provision for the future and among strangers with but \$10 in her possession.

C. C. Biffing is the attorney for the plaintiff.

## OUT AT MOANA.

The Moana hotel presented an animated scene last evening where had gathered many of the local people to partake of a sumptuous dinner prepared in honor of the greatest and most important of all American holidays.

The menu was most complete and fully two hundred people sat down to the tables. The souvenir menu was a gem of the printers' art, and was eagerly sought for as a memento of the occasion, while the presence of the members of the Healan and Myrtle club added zest and enthusiasm to the occasion. To E. H. Card, the new manager, as likewise the head chef, Mr. Magnan, is due great credit for the manner in which the guests were entertained.

For groceries ring up Blue 911.

## Crowds at Pacific Heights.

The popularity of Pacific Heights was made manifest yesterday by the crowds that patronized the electric road and the many private parties that spent the day enjoying the clear atmosphere and beautiful scenery always available on the Heights. The electric railway carried over 2000 passengers during the day. In the evening a magnificent display of fireworks was provided. The colored fire, rockets and Roman candles coupled with the ever present electrical display made a combination of splendor that attracted attention all over the city. No place in or around the city furnishes an opportunity for a day's outing easy of access than the popular Pacific Heights.

## Woolley is Delayed.

John G. Woolley, one of the best known temperance speakers of the United States, wrote that he would arrive here in the Mariposa July 6th, so he was booked to speak at a mass meeting for men in Y. M. C. A. hall at 4 o'clock Sunday afternoon. As neither the Mariposa nor the Zealandia will arrive on that date it is very doubtful if Mr. Woolley can be expected. In case he does not come on the China the men will be glad of an opportunity to hear the popular young preacher and teacher, Rev. Edward Bates Turner who on Tuesday leaves Mills Institute to accept the pastorate of the Foreign church at Kohala. Mr. Turner's subject will be, "The Cost of Service."

"The Nibbler's Magazine sent me a check for \$10 for my poem," said the rhymester. "I consider that a feather in my cap."

"Yes," said his wife. "Now, you give me the money, and I can get a new feather in my bonnet, too."—Baltimore American.

## BAR ASSOCIATION PAYS ITS TRIBUTE

Memory of Paul Neumann  
Kept Green By  
Colleagues.

## RESOLUTIONS PRESENTED IN THE SUPREME COURT

Lawyers Make Eloquent Speeches in  
the Presence of Supreme Judges  
and Assembled Members  
of Bar.

All that can be said in formal word and record has been uttered from the heart of friends and associates of the late Paul Neumann. The pages of the court records in which he so often appeared in the role of counselor and advocate, bear testimony of the abiding love and esteem in which he was held. In the Supreme Court this morning, the members of the Bar association met to present their last testimonial. The resolutions prepared by the committee consisting of A. G. M. Robertson and F. M. Brooks, were presented by Judge Whiting. They read as follows:

Whereas, the Hon. Paul Neumann, the first president of this Association, has been removed from our midst by death;

Resolved, That deeply deploring our loss, we, as an Association, do place on record, in affectionate remembrance of our departed friend, this expression of our appreciation of his genial nature and kindly sympathy for all with whom he came in contact, which made him beloved by all men;

LAWYER, SCHOLAR, FRIEND.  
Resolved, That we extend our heartfelt sympathy to the widow and family of Mr. Neumann in their affliction;

Resolved, That these resolutions be spread on the minutes of the Supreme Court.

Eloquent tributes were paid the life and character of Paul Neumann by Judge Whiting, F. M. Hatch, W. O. Smith, E. P. Dole and A. S. Hartwell.

In ordering the resolution spread upon the records of the Court, and a copy sent to the bereaved family, Chief Justice Frear added his tribute with the others.

The attorneys present were: Hon. M. M. Estee, Hon. W. A. Whiting, A. S. Hartwell, J. L. Kaulukou, W. O. Smith, J. M. Davidson, W. A. Kinney, E. B. McClanahan, Attorney General E. P. Dole, F. M. Hatch, W. L. Stanley, J. M. Vivas, A. A. Wilder, I. M. Long, J. T. De Bolt, H. Smith, G. A. Davis, S. K. Kane, Lorrin Andrews, F. E. Thompson, Hon. A. S. Cleghorn.

## Marquardt Concert.

It is a pity that Herr and Madame Marquardt should have to arrange for their concert to take place on the Fourth of July, as it is a bad night for theatricals, at the best, and last night was no exception. The small audience that had the pleasure of listening to the excellent rendition of the delightful selected program was enthusiastic and expressed its appreciation in a gratifying manner to the artists when ever there was occasion.

Madame Marquardt easily carried off the honors of the evening, not because of the novelty of hearing a lady harpist but by her brilliant execution and intelligent rendering of each of her selections. The clever little lady was attired in a charming and dainty gown which added to the beauty of the tones she produced from her instrument.

Herr Marquardt although a clever violinist is not as good a performer as others who have visited Honolulu. However, his selections were very acceptably given and heartily applauded.

Miss Carrie Castle did better work as the accompanist than it has been our pleasure to hear her do heretofore, handling the intricate piano scores with perfect ease. Mrs. J. T. McDonald was in good voice. She is deservedly popular with Honolulu audiences.

Mr. James D. Dougherty was in splendid voice and sang in his most pleasing style, responding to hearty encore.

## A VERY VALUABLE GRASS

There will be forwarded to Kona soon a bunch of one of the "pancum" grasses known as "spectabile," a request having come up from that locality for the Department of Agriculture and Forestry to send up something to choke out the Hilo grass.

A small amount of the panicum spectabile was brought from Fiji by Prof. Koebel during his trip to that country. It was planted in Nuuanu valley and, to the great pleasure of the people of the Department of Agriculture and Forestry, it has choked out the Hilo grass wherever it has been planted.

This success along the line of destroying an undesirable grass has prompted the department to try it on lantana. It is believed by many that by planting this grass thickly in local-

ties where lantana is to be found, this most bothersome plant will be choked out.

The panicum spectabile is valuable not only in its ability to choke out the Hilo grass but on account of its nutritious qualities which makes it such a splendid fodder grass. The stems of the grass are very tough and, at each joint, the roots grow out and fasten themselves in the ground so that they can fasten themselves about other vegetable growth that might happen to be in the neighborhood.

## HOLT-KENTWELL NUPTIALS.

Miss Annie K. Holt and Lawrence Klindt Kentwell were married last evening at the Catholic Cathedral, the Right Reverend Robert Gustan, Bishop of Panopolis officiated. The ceremony was most impressive. The altar and chancel were partially concealed by ferns and other greens. A large number of incandescent lights shone out from behind the decorations, displaying in relief, the figures upon the Cross.

Shortly after 8 o'clock, the organ broke forth in a wedding march, and the bride entered the main portal, leaning on the arm of her brother, John D. Holt, Jr. Miss Lizzie Holt, sister of the bride, as maid-of-honor, Miss Helen Holt, a cousin of the bride, as bridesmaid, and Vivian Richardson, followed. As the party proceeded up the aisle, Father Valentin sang a beautiful solo. The Bishop of Panopolis entered the chancel from the vestry, and the groom, attended by A. M. Walcott, the best man, entered the nave by a side door. Then came the ceremony.

After the ceremony, the wedding party and guests went to the home of John D. Holt, Jr., where a big luncheon was served. Among the guests was Queen Liliuokalani.

## FLYING JORDANS.

The last performance of the Jordans under canvas was given last night and today they fold up their tent preparatory to their departure tomorrow. Tonight the final performance takes place at the Chinese theater on Liliha street, when a combination program of the Jordan forces and the Oriental company will be given. The entertainment should prove an interesting opportunity for those who have never seen the interior of a Chinese theater. The boxes have all been taken and the general admission prices placed at 25 and 50 cents, the latter amount for the balcony seats, the aristocratic part of a Chinese theater. The Oriental side of the program will consist of acrobatic and juggling work for which the Chinese are famous, while the Jordans will choose the best features of their own program to fill out the evening's entertainment.

## ROCKETS AND RED FIRE.

There was quite a liberal display of fireworks. The most beautiful effects came from Punchbowl slopes in the vicinity of the home of H. P. Baldwin. Waikiki and Nuuanu also displayed their patriotism in good style and Kaimuki was plainly visible under the constant shower of red, white and blue fire in all manner of fantastic shapes. At the Flying Jordans' tent, just after Seabury's dive, a large number of big rockets and Roman candles were set off.

## WANTS HABEAS CORPUS.

Ah Oi has petitioned in Judge Humphreys' court for a habeas corpus on the ground that he is being unlawfully restrained at Oahu prison. The petitioner alleges that he was convicted of burglary in the first degree on the verdict of a jury. He alleges further that the verdict and order were illegal in that the verdict rendered thereon was concurred in by only ten men out of the twelve. F. M. Brooks appears for the plaintiff.

## PETITION FOR A TRUSTEE.

Anna Long has petitioned in the Circuit Court to have C. W. Booth appointed a trustee to take hold of and invest a fund of \$1837.50, the net proceeds of land in the estate of Joseph Booth, sold years ago, and now in the hands of the clerk of the Judiciary department. Anna Long is the widow of Joseph Booth and, as such, is entitled to a life estate in and to this fund.

## Chinese Case Postponed.

Owing to the necessity of having a Chinese interpreter in the case, the proceedings in the Federal Court in the matter of the status of four Chinese, were continued this morning to 2 o'clock this afternoon. The case, when decided, will determine the fate of Chinese residents who were absent from the Territory during the period of registration of Chinese by Collector Chamberlain.

Abram Kaulukou left in the Mauna Loa today for a two weeks' vacation on Hawaii.

Peter Manuel has been arrested on complaint of his wife for desertion.

## M. P. D.

Calls at the House  
for Parcels.

TEL. BLUE 621.

## TEN GOOD MEN ARE MUCH NEEDED

Otherwise House to  
House Delivery  
May Fail.

## SECOND EXAMINATION HELD TO-MORROW

Letter Carriers Wanted by Post Office  
--Only Six Candidates at First  
Examination--Good Pay--  
Easy Work.

Honolulu's house to house mail delivery stands a chance of failure on account of the lack of a sufficient number of candidates for positions as mail carriers.

Postoffice Inspector Linn was very much disappointed yesterday when only six men showed up to take the civil service examination for letter carriers. It will require ten men to properly equip Honolulu's proposed carrier service, and should all the men who appeared before Examiner Severn make the required mark, the service will still be four men short.

That this important convenience to the community may not go by the board Mr. Severn has consented to hold another examination at 10 o'clock tomorrow forenoon in order that the quota may be filled if possible.

Inspector Linn speaking of the matter this morning said he was surprised and disappointed at the result. He considers the mail carriers post one of the most acceptable in the whole government service. The pay is good, the occupation healthful and the hours are established by law at eight hours a day. Candidates for these positions must be between the ages of 21 and 40 years. The examination is not a difficult one, covering the simplest of the common school studies. The pay is advanced after a year's service to \$850.

It seems strange that in a city of Honolulu's population that there are not ten men to be found who seek positions as letter carriers. Under the circumstances it will prove a great misfortune if there is not a larger response at the second examination to be held tomorrow.

## HOUSE DOES A VERY LITTLE WORK TODAY

This morning was a very tame affair this morning. All there was to do was to get ready for a conference on the current expense bill, the Senate not meeting until the afternoon. Mr. Beckley had the bill taken from the table and moved that the House do not concur, being a parliamentary preliminary to a conference. The motion carried. Then Emmeluth's concurrent resolution introduced Wednesday and reading as follows, was taken up and passed:

"That a conference committee to consist of seven members from each House be appointed for consideration of the appropriation bills passed by the House of Representatives and the amendment thereto proposed by the Senate."

"That the members of said committee be appointed by the Speaker of the House and the President of the Senate, respectively."

"That six members shall be selected so that each election district is represented on each committee, the seventh member to be appointed at large."

"That the clerk of the House inform the Senate of the action by this House."

Beckley tried to get in an amendment that the only report to be considered should be the majority report of such conference committee, in order to save time. At first the House favored it but Makalana pointed out that if the Senate got one single House member over to their side, the House would be in the minority and would have to swallow the Senate's amendments. The amendment was lost on a close vote.

There being nothing more to do until the Senate should send down something more, the House, about 11:30 took a recess until 3 o'clock so as to give the Senate a chance to manufacture a little business for the lower house to consider.

## FIRE CLAIMS RESOLUTION

The Court of Claims is meeting in executive session just now. There has been a great deal of important business transacted during the last two three days but the most important thing was the unanimous adoption of the following resolution at this morning's session:

Be it resolved, That it is the sense of this Commission that no awards be entered on the record of judgments until after the expiration of the four months within which claims shall be filed.

Although none of the commissioners are willing to speak on the reason for the adoption of the foregoing, it is learned that the Commissioners have heard so much about "compromise" and talk of a like nature, that they have determined to settle this for all time.

The adoption of the resolution means that every claim must be in during the allotted time. In this way, there will be no chance for a "compromise."

It is understood that many claimants have been holding aloof, waiting for the Commission to make awards in claims already handed in. It is also understood that this waiting game has been indulged in by some, so that, learning of awards in certain cases, they might raise the amount of their claims and thus come out ahead of the game. Verily, these hopes have all been dispelled by the resolution of this morning.

## KONA SUGAR COMPANY

Eather N. Pilipo and Elizabeth K. Pilipo have brought suit against Nettie L. Scott and the Kona Sugar Co., Ltd., a corporation, to determine a lease.

The petitioners complain, as follows: "That on August 21, 1894, they leased to Nettie L. Scott, 53 out of their 56 shares (individuals) of the land of Holualoa, North Kona, where today stands the Kona plantation. The lease was for thirty years from and after September 1, the rental per annum agreed on being \$318, payable half yearly in advance."

That after the execution of the lease, Nettie L. Scott sub-leased a portion of the premises to the Kona Sugar Co., a corporation.

That, by the terms of the lease, the lessors were authorized to terminate the same upon the non-payment of the rent therein reserved and thirty days shall have expired after lawful demand, and it shall therefore become void; the lessors to re-enter said demised premises."

That Nettie L. Scott and the Kona Sugar Co. have refused and persist in refusing to pay the rent due the plaintiffs.

That the defendants have stated that they intended to make the petitioners all the trouble and expense they could with reference to said premises in order that they might be compelled to sell said premises.

Achi and Johnson for the plaintiffs.

## CHINESE NEW YEAR AND JULY FOURTH

Because there is a law here against shooting firecrackers in public streets several good citizens were haled into the Police Court this morning, to answer to charges of common nuisance.

Judge Wilcox did not fine any of the offenders, but mildly admonished them not to do it again unless they had the permission of the Governor or one of the police magistrates. All of the offenders stated that they thought they had not been breaking the law in celebrating the Fourth in time honored manner, and Judge Wilcox, remarking that he had no recollection of Chinese being hauled up for the discharging of yards of firecrackers on their New Year, turned the offenders loose.

Considering the fact that yesterday was the principal American holiday and that they were only doing as everyone in the United States has the right to do on the Fourth, there was much complaint over the action of the police in putting a damper on the fun of some of the celebrators.

"Mr. Woodby is very particular," said Mrs. Woodby, who was engaging a new servant. "He's quite a prominent society man and entertains."

"Is he so?" interrupted the applicant. "Faith, then, he ought to know me Uncle Mike. Nary a society I ever heard told of that he don't belong to."—Philadelphia Press.

## THE ONLY OTHER GENTLEMAN'S SHOE as good as BANISTER'S as easy and as up- to-date is : : : :

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the malarial fogs of  
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